

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VICTIM RIGHTS LAW CENTER, *et al.*,

Plaintiffs,

v.

ELISABETH D. DEVOS, *et al.*,

Defendants.

No. 1:20-cv-11104-WGY

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendants respectfully alert the Court to the attached memorandum opinion denying the plaintiffs' motion for a preliminary injunction in *Pennsylvania v. DeVos*. Mem. Op., No. 20-cv-1468 (D.D.C. Aug. 8, 2020), ECF No. 97, attached as Ex. A.

In that case, the plaintiffs asked a district court in D.D.C. to preliminarily enjoin the same Department of Education Rule that is at issue here. The D.D.C. court, like the S.D.N.Y. court earlier this week, declined to enter a preliminary injunction or stay the effective date of the Rule. The D.D.C. court concluded that the plaintiffs were unlikely to succeed on the merits of their claims that the Rule was arbitrary and capricious or exceeded the Department's statutory authority. Mem. Op. 12-26. The court also concluded that the plaintiffs had failed to establish irreparable harm, Mem. Op. 27-30, and that the balance of equities and the public interest did not favor an injunction given the Department of Education's interest in alleviating uncertainty around Title IX enforcement and the Rule's potential role in protecting constitutional rights in the Title IX context, Mem. Op. 30-31.

Dated: August 13, 2020

Respectfully submitted,

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/s/ Rebecca M. Kopplin

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system was served this day on all parties via the Court's electronic case filing system.

/s/ Rebecca M. Kopplin
REBECCA M. KOPPLIN